WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. No. 19705 of 2003

C.H.Ramarao .. Petitioner

-vs-

1. The State of Tamilnadu
   Rep. By its Secretary to Government
   Housing and Urban Development Department
   Fort St. George
   Chennai – 600 009.

2. The Member Secretary
   Chennai Metropolitan Development Authority
   1, Gandhi Irwin Road, Egmore
   Chennai – 600 008. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring that rule 19 (b) III B of Development Control Rules as ultra vires the Tamil Nadu Town and Country Planning Act, illegal, unconstitutional and unenforceable so far as it relates to the demand of security deposit for the proposed development insofar as the Petitioner is concerned and consequently direct the Second Respondent to issue planning permission to the Petitioner without insisting on payment of security deposit of Rs.4,36,000/- as per letter dated 10.07.2003 comprised in Lr.No.C4/34278/2002 issued by the Second Respondent.

For the Petitioner : No appearance

https://www.mhc.tn.gov.in/judis

WEB COPY

For the Respondents : Mr. U.Baranidaran
Additional Government Pleader(R1)

R2-No appearance

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

None appears for the Petitioner.

2. It is submitted by learned Additional Government Pleader that Development Control Rules have now been replaced by the Tamil Nadu Combined Development Building Rules, 2019.

3. In light of that, the challenge to the impugned rule does not survive. The writ petition, as such, is disposed of. There will be no order as to costs.

(S.V.G., CJ.) **(P.D.A., J.)**
16.06.2023

Index : yes/no
Neutral Citation : Yes/No
sra/*Maya*

https://www.mhc.tn.gov.in/judis

WEB COPY

To:

1. The Secretary to Government of Tamilnadu
   Housing and Urban Development Department
   Fort St. George
   Chennai – 600 009.

2. The Member Secretary
   Chennai Metropolitan Development Authority
   1, Gandhi Irwin Road, Egmore
   Chennai – 600 008.

https://www.mhc.tn.gov.in/judis

WEB COPY

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(sra)

W.P. No. 19705 of 2003

16.06.2023

https://www.mhc.tn.gov.in/judis